

REMARKS

In the non-final Office Action mailed on October 14, 2004 (Paper No. 20041007), the Examiner rejected claims 44-45 under 35 U.S.C. § 112, second paragraph; and provisionally rejected claims 26-33 and 44-46 under 35 U.S.C. § 101 for statutory double patenting over claims of U.S. Application No. 09/866,391. In this response, applicants amend claims 26, 32, 33, 44 and 45. Claims 26-33 and 44-46 are now pending. For the reasons detailed below, applicants submit that the application is in condition for allowance.

The Examiner rejected claims 44-45 under 35 U.S.C. § 112, second paragraph. Applicants herein amend claim 44 to resolve the basis for this rejection. Accordingly, applicants respectfully request that the Examiner reconsider and withdraw this rejection.

The Examiner provisionally rejected claims 26-33 and 44-46 under 35 U.S.C. § 101. This statutory double patenting rejection indicated that claims 26-33 and 44-46 of the present application claim the same invention as claims 27-34 and 42-47 of U.S. Application No. 09/866,391 ("the CIP").

Applicants herein amend claims 26 and 32 to ensure that claims 26-32 do not claim the same invention as any of claims 27-34 and 42-47 of the CIP, particularly claims 27-33 thereof. Applicants amend claim 33 to ensure that it does not claim the same invention as any of the claims 27-34 and 42-47 of the CIP, particularly claim 34 thereof. Applicants hereby amend claims 44 and 45 to ensure that they do not recite the same invention as any of claims 27-34 and 42-47 of the CIP, particularly claims 46-47. Applicants submit that, in its original form, claim 46 did not claim the same invention as any of claims 27-34 and 42-47 of the CIP. In view of the foregoing, applicants respectfully request that the Examiner reconsider and withdraw this provisional rejection.

For the reasons set forth above, applicants submit that the application is now in condition for allowance, and therefore respectfully request that the Examiner issue a prompt Notice of Allowance. If the Examiner has any questions or believes a telephone

conference would expedite examination of this application, the Examiner is encouraged to call Steven D. Lawrenz at (206) 359-6373.

Date: 12/14/04

Respectfully submitted,

~~Perkins Coie LLP~~

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